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Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: VRS Reform: *Ex Parte* Notice – CG Docket No. 03-123

Dear Ms. Dortch:

On December 17, 2009, Mike Maddix, Director of Government and Regulatory Affairs of Sorenson Communications, Inc. (“Sorenson”), Paul Kershnik, Sorenson’s Chief Marketing Officer, and the undersigned, counsel for Sorenson, met with Christi Shewman, legal advisor to Commissioner Baker, to discuss Sorenson’s October 1, 2009 Petition in the above-referenced docket and to reiterate the need to put it on public notice promptly.¹ The parties also talked about the need for stable, predictable funding for video relay service (“VRS”).

In these conversations, we noted that for more than a year, Sorenson and other parties have been warning that the VRS industry is operating in a regulatory void, characterized by the lack of FCC rules delineating the types of calls that are compensable and the types that are not.² We emphasized that a handful of VRS providers have exploited this void by using illicit

¹ Petition for Rulemaking of Sorenson Communications, Inc., CG Docket No. 03-123, RM No. 09-__, EB Docket No. 09-__ (Oct. 1, 2009) (“Petition”); 47 C.F.R. § 1.403 (“All petitions for rule making . . . meeting the requirements of § 1.401 will be given a file number and, promptly thereafter, a ‘Public Notice’ will be issued . . . as to the petition, file number, nature of the proposal, and date of filing”).

² See, e.g., *Ex Parte* Comments of the National Association for State Relay Administration, CG Docket No. 03-123, at 7 (Nov. 10, 2008; filed Nov. 19, 2008) (“*NASRA Nov. 19 Letter*”) (asking FCC to clarify impermissibility of certain provider practices and to bring “swift” and “strict” enforcement action against their perpetrators); Letter from Ruth Milkman, counsel for Sorenson, to Marlene H. Dortch, FCC Secretary, CG Docket No. 03-123 (Nov. 25, 2008) (strongly supporting *NASRA Nov. 19 Letter*); Letter from Regina Keeney, counsel for Sorenson, to Marlene H. Dortch, FCC Secretary, CG Docket No. 03-123 (May 12, 2009) (noting that, even though six months had passed since NASRA filed its letter, the FCC had yet to act on it).

marketing schemes and other dubious means to generate revenues from the Interstate TRS Fund. Over time, these questionable practices have proliferated, unchecked by any clear FCC rules or enforcement actions.

In a further effort to alert the FCC to this problem, on October 1, 2009, Sorenson filed its Petition, asking the Commission to adopt rules that define what types of calls are compensable, what steps providers may take to prevent certain calls, and what information the FCC needs to develop data-driven tools for detecting wrongdoing. As Sorenson explained in the Petition and in subsequent meetings with FCC staff, failure to adopt the reforms proposed in the Petition would only further embolden those actors seeking to generate revenues in ways that do not advance the functional equivalence mandate of the Americans with Disabilities Act ("ADA").

During the meeting with Ms. Shewman, we noted that recent reports have indicated that some VRS providers are generating a substantial percentage of their revenues from handling "internal" (employee-to-employee) calls. We stated that providers and their employees should be dedicated to handling VRS calls, not placing them. Sorenson believes that millions of dollars should not be diverted from the Interstate TRS Fund in order to compensate calls generated by providers; instead, such calls generally should be non-compensable, as explained in Sorenson's Petition.³ If the Commission fails to act quickly on this and other issues described in Sorenson's Petition, the integrity of the VRS program will be threatened, thereby jeopardizing the continuing progress toward functional equivalency and access that consumers deserve and the ADA requires.

This letter is being filed for inclusion in the public record of the above-referenced proceeding.

Sincerely,

/s/ Regina M. Keeney
Regina M. Keeney

cc:	Tom Chandler	Diane Mason
	Michele Ellison	Mary Beth Richards
	Greg Hlibok	Jennifer Schneider
	Michael Jacobs	Christi Shewman
	Rick Kaplan	Sherrese Smith
	Jay Keithley	Mark Stone
	Christine Kurth	Suzanne Tetreault
	Edward Lazarus	

³ See Petition at 10-13 ("on the clock" employee calls should not be compensated, except for inbound technical support calls).